

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARSHANTI WILLIAMS,

Plaintiff,

vs.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

CIVIL ACTION FILE
NO.:

**CHIPOTLE MEXICAN GRILL, INC.'S NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF GEORGIA, ATLANTA DIVISION**

COMES NOW defendant CHIPOTLE MEXICAN GRILL, INC. and hereby gives notice pursuant to 28 U.S.C. §§ 1441 and 1446, and Local Rule 3.1 of the removal of this action from the State Court of Gwinnett County, Georgia, case number 23-C-00584-S6, to the United States District Court for the Northern District of Georgia, Atlanta Division. In support thereof, defendant respectfully states as follows:

1.

Plaintiff commenced the above-styled action in the State Court of Gwinnett County, Georgia on January 26, 2023, as Civil Action File No. 23-C-00584-S6.

2.

Defendant Chipotle Mexican Grill, Inc. was served with the following documents on February 2, 2023, at the office of its registered agent in Georgia: Summons, Complaint, Case Initiation Form, Plaintiff's First Continuing Interrogatories and Request for Production of Documents, Plaintiff's First Requests for Admission to Defendant, and Notice to Take 30(b)(6) Video Deposition of Witness.

3.

This notice of removal of the case to this United States District Court is filed by defendant within thirty (30) days of service of the complaint, from which it was first ascertained that the case is one which is removable, in accordance with the provisions of 28 U.S.C. §§ 1441 and 1446.

4.

The parties to this action are plaintiff ARSHANTI WILLIAMS, a citizen of the State of Georgia, and defendant CHIPOTLE MEXICAN GRILL, INC., a foreign corporation organized and existing under the laws of the State of Delaware and maintaining its principal office and place of business in Newport Beach, California. Defendant is diverse from plaintiff.

5.

In this action, plaintiff seeks to recover general and special damages for personal injuries allegedly sustained by plaintiff in a slip and fall that occurred on or about June 18, 2021, in Norcross, Gwinnett County, Georgia. Plaintiff claims that she sustained injuries requiring medical treatment, and seeks to recover general damages, medical expenses, and special damages. Plaintiff specifically claims that she “suffered numerous painful injuries, including but not limited to: neck pain, shoulder pain, hand and rib pain, and lower back pain.” (Compl. ¶ 10). Plaintiff is claiming medical expenses of “at least \$164,287.00” (Compl. ¶ 11).

6.

Therefore, this action is one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 in that (a) plaintiff and defendant are citizens of different states, and (b) the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000.00.

7.

Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) and Local Rule 3.1(B)(3) N.D.Ga. on the grounds that the events giving rise to this action arose in Gwinnett County, Georgia, and pursuant to 28 U.S.C. § 1391(b)(1) and Local Rule 3.1(B)(1)(a) N.D.Ga. on the grounds that defendant has a registered agent in Gwinnett County, Georgia.

8.

Attached hereto as Exhibits 1 through 7, and made a part hereof by reference, are true and correct copies of the following documents that were filed in the State Court of Gwinnett County, Georgia:

- (1) Summons;
- (2) Case Initiation Form;
- (3) Complaint;
- (4) First Interrogatories, Requests for Production of Documents and Requests for Admission to Defendant Chipotle Mexican Grill, Inc.;
- (5) Notice to Take 30(b)(6) Video Deposition of Witness;
- (6) Sheriff's Entry of Service; and
- (7) Defendant's Notice to the State Court of Gwinnett County, Georgia of Removal of Action to the United States District Court.

9.

Written notice of the filing of this Notice of Removal will be given to all adverse parties as required by law.

10.

In compliance with 28 U.S.C. § 1446(a), defendant Chipotle Mexican Grill,

Inc. will file written notice of removal with the Clerk of Court for the State Court of Gwinnett County, a copy of which is attached to this notice of removal as Exhibit 7.

11.

WHEREFORE, defendant Chipotle Mexican Grill, inc. prays that the State Court of Gwinnett County, Georgia proceed no further with Civil Action File No. 23-C-00584-S6, and that said action be and hereby is removed from the State Court of Gwinnett County, Georgia, to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 24th day of February, 2023.

/s/ Bridgette E. Eckerson

John L. McKinley, Jr.
Georgia Bar No. 495513
Bridgette E. Eckerson
Georgia Bar No. 591733

Attorneys for defendant
Chipotle Mexican Grill, Inc.

MOZLEY, FINLAYSON & LOGGINS LLP
1050 Crown Pointe Parkway, Suite 1500
Atlanta, GA 30338-7704
(404) 256-0700 (telephone)
(404) 250-9355 (facsimile)
jmckinley@mflaw.com
beckerson@mflaw.com
#546956

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ARASHANTI WILLIAMS,

Plaintiff,

vs.

CHIPOTLE MEXICAN GRILL, INC.,

Defendant.

CIVIL ACTION FILE
NO.:

CERTIFICATE OF SERVICE AND TYPE SIZE COMPLIANCE

This is to certify that I electronically filed the foregoing *Chipotle Mexican Grill, Inc.*' Notice of Removal to the United States District Court for the Northern District of Georgia, Atlanta Division with the Clerk using the CM/ECF system, which will automatically send e-mail notification of such filing to the following counsel of record:

Drew Gilliland, Esq.
NICK SCHNYDER LAW FIRM, LLC
351 Atlanta Street SE
Marietta, GA 30060
nick@schnyderlawfirm.com

Pursuant to Local Rule 5.1, N.D.Ga, the foregoing pleading is prepared in Times New Roman, 14 point.

This 24th day of February, 2023.

/s/ *Bridgette E. Eckerson*
Bridgette E. Eckerson